- PATENT -

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Rinchiuso et al.	EXAMINER:	Haile, Feben M
SERIAL NO.:	09/760,039	GROUP:	2663
FILED:	01/12/2001	CASE NO.:	CE08395R

ENTITLED: PACKET DATA TRANSMISSION WITHIN A BROAD-BAND COMMUNICATION SYSTEM

Motorola, Inc.
Corporate Offices
1303 E. Algonquin Road
Schaumburg, IL 60196
November 13, 2006

Mail Stop APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPEAL BRIEF

Commissioner:

Pursuant to 37 C.F.R. §41.37, the appellants hereby respectfully submit the following Brief in support of their appeal.

(1) Real Party in Interest

The real party in interest is Motorola, Inc.

(2) Related Appeals and Interferences

There are no related appeals or interferences known to appellant, the appellant's legal representative, or assignee that will directly affect, or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

Claims 1-9, 13 and 14 are pending and presently stand twice and finally rejected and constitute the subject matter of this appeal. Claims 10-12 are withdrawn.

(4) Status of Amendments

No post-final amendments have been submitted.

(5) Summary of Claimed Subject Matter

Claim 1 provides a method for data transmission within a wireless communication system the method including transmitting data over a wireless data channel at a data rate, determining that no more data needs to be transmitted, and delaying dropping the data channel for a time period based on the data rate. (page 3, lines 5-24; FIG. 1)

Claim 3 provides a method for data transmission within a wireless communication system the method including transmitting data over a wireless data channel at a data rate, determining that no more data needs to be transmitted, and delaying dropping the data channel for a time period based on the data rate, wherein the step of delaying dropping the data channel for a time period based on the data rate comprises the step of delaying dropping the data channel for a time period, wherein the time period is proportional to the data rate. (page 3, lines 5-24; FIG. 1; page 7, line 33 – page 8, line 13)

Claim 4 provides a method for data transmission within a Code Division, Multiple Access (CDMA) wireless communication system, the method including operating a data transmitter in a CDMA Active state, determining that no more data needs to be transmitted over a CDMA supplemental channel, prior to operating the data transmitter in a Control Hold state, delaying transition to the Control Hold state for a period of time, wherein the period of time is based on a data rate, and operating the data transmitter in a Control Hold state. (page 3, lines 5-18 and 24-31; FIG. 1)

Claim 6 provides a method for data transmission within a Code Division, Multiple Access (CDMA) wireless communication system, the method including operating a data transmitter in a CDMA Active state, determining that no more data needs to be transmitted over a CDMA supplemental channel, prior to operating the data transmitter in a Control Hold state, delaying transition to the Control Hold state for a period of time, wherein the period of time is based on a data rate, and operating the data transmitter in a Control Hold state, wherein the step of operating the data transmitter in the Control Hold state comprises transmitting via a dedicated control channel only. (page 3, lines 5-18 and 24-31; FIG. 1; page 7, lines 16-21)

Claim 7 provides an apparatus that includes channel circuitry for transmitting data and a timer coupled to the channel circuitry, wherein the timer delays deactivation of the channel circuitry after data transmission for a period of time, wherein the period of time is based on a data rate. (page 3, lines 5-18 and page 3, line 32 – page 4, line 2; FIG. 1)

Claim 8 provides an apparatus that includes channel circuitry for transmitting data and a timer coupled to the channel circuitry, wherein the timer delays deactivation of the channel circuitry after data transmission for a period of time, wherein the period of time is based on a data rate, wherein the period of time is proportional to the data rate. (page 3, lines 5-18 and page 3, line 32 – page 4, line 2; FIG. 1; page 7, line 33 – page 8, line 13)

(6) Grounds of Rejection to be Reviewed on Appeal

Claims 1-9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Koo et al. (U.S. Patent Number 6,804,219, hereinafter "Koo") and claims 13-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Koo in view of Lohtia et al. (U.S. Patent Application Publication Number 2002/0082033, hereinafter "Lohtia"). The appellants dispute these rejections.

(7) Argument

Rejections under 35 U.S.C. §112, first paragraph

None.

Rejections under 35 U.S.C. §112, second paragraph

None.

Rejections under 35 U.S.C. §102

Group 1 – Claims 1, 2 and 13

Claim 1 provides (underlined language being relevant to the argument presented below):

1. (original) A method for data transmission within a wireless communication system, the method comprising the steps of:

transmitting data over a wireless data channel at a data rate;
determining that no more data needs to be transmitted; and
delaying dropping the data channel for a time period based on the data rate.

In the Final Office Action mailed May 11, 2006 (hereinafter "FOA"), the Examiner cites Koo figure 2 unit 200, column 2 line 38, column 2 lines 43-46, and column 3, lines 60-63 as teaching the claim language. Column 2 lines 34-50 reads (emphasis added):

Upon completion of the negotiation about a service option, a data service object

establishes a **DTCH for transmission of user data** and transits to an active state 140. If the initialization fails, the packet null state 110 is transited to.

In the active state 140, data is transmitted on the DTCH. If the data service object transits to the active state 140 after setting the service option and as a result, the DTCH is available, the base station and the mobile station perform initialization procedures of RLP (Radio Link Protocol) and PPP (Point-to-Point Protocol). **If data transmission is discontinued for a predetermined time T_Active in the active state 140, the DTCH is released and a control hold state 130 is entered**. If it is anticipated from an estimate of the amount of oncoming transmission data that a non-data transmission period will last longer, the active state 140 may be transited directly to a suspended state 150 or a dormant state 160 without interposing the control hold state 130.

Column 3 lines 46-67 reads (emphasis added):

When transmission data is generated in a control hold state 230, the f/r DTCH is assigned on the FCH or DCCH and then the low rate transmission substate 220 is transited to. If it is preferable to transmit the user data on the FCH or DCCH, it is transmitted in the low rate transmission substate 220 and the control hold state 230 is entered. On the contrary, if a higher rate channel is required to transmit a large amount of user data, the SCH is additionally established in the low rate transmission substate 220 , the DTCH is assigned on the SCH, and then the high rate transmission substate 210 is entered. When the user data is completely transmitted on the SCH in the high rate transmission substate 210 or a predetermined duration time of the SCH expires, the high rate transmission substate 210 transits to the low rate transmission substate 220 . **If data transmission is discontinued for a predetermined time** in the low rate transmission substate 220, **the DTCH is released** and the control hold state 230 is entered. In case a large amount of data is generated within the predetermined time in the low rate transmission substate 220 or some user data remains from the previous high rate transmission substate 210, the high rate transmission substate 210 is entered again.

However, independent claim 1 recites (emphasis added) "**transmitting data** over a wireless data channel **at a data rate…and delaying** dropping the data channel for a time period **based on the data rate**."

In the *Response to Arguments* section of the present office action, the Examiner refers to the teaching in Koo of a transition from the active state to either a control hold state, a suspended state or a dormant state: if **data transmission is discontinued for a predetermined time** T_Active while in the active state, a control hold state is entered; and if it is **anticipated from an estimate of the amount of oncoming transmission data that a non-data transmission period will last longer**, the active state may be transited directly to a suspended state or a dormant state.

However, the appellants submit that Koo teaches that in any case the DTCH is released. Moreover, the appellants submit that Koo neither teaches nor suggests that a delay period (i.e., the period of time to delay), such as described in claim 1, should be **based on a data rate**. In fact, the appellants submit that Koo actually teaches otherwise, since the only period of time referred to by the Examiner in Koo before the DTCH is released is a "predetermined time." The appellants submit that this explicitly teaches a period of time that is already determined in contrast to a period of time that is based on something situational, such as a particular data rate.

Lastly, the other condition that Koo describes is whether it is anticipated from an estimate of the amount of oncoming transmission data that a non-data transmission period will last longer. Presumably, the Examiner is not asserting that this somehow teaches or suggests a data rate. The appellants do not believe that it suggests a data rate since it describes an **amount of** oncoming transmission **data**.

Referring back again to the claims, independent claim 1 recites (emphasis added) "transmitting data over a wireless data channel **at a data rate...and delaying dropping the data channel for a time period based on *the* data rate**." The appellants submit that Koo does not teach delaying the dropping of the DTCH of Koo (used for the transmission of user data) based on the data rate of data transmitted over the DTCH.

Since Koo does not teach or suggest all of the limitations of independent claim 1, or therefore, all the limitations of dependent claims 2 or 13, it is asserted that anticipation has not been shown by the Examiner. Appellants submit that claims 1, 2 and 13 are fully patentable over the cited reference and request that the Examiner be REVERSED.

Group 2 – Claim 3

Claim 3 provides (underlined language being relevant to the argument presented below):

> 3. (original) The method of claim 1 wherein the step of delaying dropping the data channel for a time period based on the data rate comprises the step of delaying dropping the data channel for a time period, wherein the time period is proportional to the data rate.

In the Final Office Action mailed May 11, 2006 (hereinafter "FOA"), the Examiner cites Koo column 3, lines 60-63 as teaching the claim language. Column 3 lines 60-63 reads:

If data transmission is discontinued for a predetermined time in the low rate transmission substate 220, the DTCH is released and the control hold state 230 is entered.

The applicants submit that Koo, as cited by the Examiner, neither teaches that a delay period (i.e., the period of time to delay), such as described in these claims, should be based on a data rate nor **proportional** to a data rate. The appellants do not see how the cited text suggests any kind of proportional relationship such as that claimed.

Since Koo does not teach or suggest all of the limitations of claim 3, it is asserted that anticipation has not been shown by the Examiner. Appellants submit that claim 3 is fully patentable over the cited reference and request that the Examiner be REVERSED.

Group 3 – Claims 4 and 5

Claim 4 provides (underlined language being relevant to the argument presented below):

4. (original) A method for data transmission within a Code Division, Multiple Access (CDMA) wireless communication system, the method comprising the steps of:

operating a data transmitter in a CDMA Active state;

determining that no more data needs to be transmitted over a CDMA supplemental channel;

prior to operating the data transmitter in a Control Hold state, <u>delaying transition to the Control Hold state for a period of time, wherein the period of time is based on a data rate</u>; and

operating the data transmitter in a Control Hold state.

In the Final Office Action mailed May 11, 2006 (hereinafter "FOA"), the Examiner cites Koo figure 2 unit 200, column 2 line 38, column 2 lines 43-46, and column 3, lines 60-63 as teaching the claim language. Column 2 lines 34-50 reads (emphasis added):

Upon completion of the negotiation about a service option, a data service object establishes a **DTCH for transmission of user data** and transits to an active state 140. If the initialization fails, the packet null state 110 is transited to.

> In the active state 140, data is transmitted on the DTCH. If the data service object transits to the active state 140 after setting the service option and as a result, the DTCH is available, the base station and the mobile station perform initialization procedures of RLP (Radio Link Protocol) and PPP (Point-to-Point Protocol). **If data transmission is discontinued for a predetermined time T_Active in the active state 140, the DTCH is released and a control hold state 130 is entered**. If it is anticipated from an estimate of the amount of oncoming transmission data that a non-data transmission period will last longer, the active state 140 may be transited directly to a suspended state 150 or a dormant state 160 without interposing the control hold state 130.

Column 3 lines 46-67 reads (emphasis added):

> When transmission data is generated in a control hold state 230, the f/r DTCH is assigned on the FCH or DCCH and then the low rate transmission substate 220 is transited to. If it is preferable to transmit the user data on the FCH or DCCH, it is transmitted in the low rate transmission substate 220 and the control hold state 230 is entered. On the contrary, if a higher rate channel is required to transmit a large amount of user data, the SCH is additionally established in the low rate transmission substate 220 , the DTCH is assigned on the SCH, and then the high rate transmission substate 210 is entered. When the user data is completely transmitted on the SCH in the high rate transmission substate 210 or a predetermined duration time of the SCH expires, the high rate transmission substate 210 transits to the low rate transmission substate 220 . **If data transmission is discontinued for a predetermined time** in the low rate transmission substate 220, **the DTCH is released** and the control hold state 230 is entered. In case a large amount of data is generated within the predetermined time in the low rate transmission substate 220 or some user data remains from the previous high rate transmission substate 210, the high rate transmission substate 210 is entered again.

However, independent claim 4 recites (emphasis added) "prior to operating the data transmitter in a Control Hold state, **delaying transition to the Control Hold state for a period of time, wherein the period of time is based on a data rate**."

In the *Response to Arguments* section of the present office action, the Examiner refers to the teaching in Koo of a transition from the active state to either a control hold state, a suspended state or a dormant state: if **data transmission is discontinued for a predetermined time** T_Active while in the active state, a control hold state is entered; and if it is **anticipated from an estimate of the amount of oncoming transmission data that a non-data transmission period will last longer**, the active state may be transited directly to a suspended state or a dormant state. However, the appellants submit that Koo teaches that in any case the DTCH is released. Moreover, the appellants submit that Koo neither teaches nor suggests that a delay period (i.e.,

the period of time to delay), such as described in claim 4, should be **based on a data rate**. In fact, the appellants submit that Koo actually teaches otherwise, since the only period of time referred to by the Examiner in Koo before the DTCH is released is a "predetermined time." The appellants submit that this explicitly teaches a period of time that is already determined in contrast to a period of time that is based on something situational, such as a particular data rate.

Lastly, the other condition that Koo describes is whether it is anticipated from an estimate of the amount of oncoming transmission data that a non-data transmission period will last longer. Presumably, the Examiner is not asserting that this somehow teaches or suggests a data rate. The appellants do not believe that it suggests a data rate since it describes an **amount of** oncoming transmission **data**.

Referring back again to the claims, independent claim 4 recites (emphasis added) "prior to operating the data transmitter in a Control Hold state, **delaying transition to the Control Hold state for a period of time**, wherein the period of time is **based on a data rate**." The applicants submit that Koo does not teach delaying a transition to a control hold state based on any data rate. (Only the "predetermined time" is described.)

Since Koo does not teach or suggest all of the limitations of independent claim 4, or therefore, all the limitations of dependent claim 5, it is asserted that anticipation has not been shown by the Examiner. Appellants submit that claims 1 and 5 are fully patentable over the cited reference and request that the Examiner be REVERSED.

Group 4 – Claim 6

Claim 6 provides (underlined language being relevant to the argument presented below):

> 6. (original) The method of claim 5 wherein the step of operating the data transmitter in the Control Hold state comprises the step of transmitting via a dedicated control channel only.

In the Final Office Action mailed May 11, 2006 (hereinafter "FOA"), the Examiner cites Koo column 3, lines 19-21 as teaching the claim language. Column 2 lines 19-26 reads (emphasis added):

The **active state** 200 refers to a state where a DTCH is assigned. As described above, the DTCH may be assigned on an FCH, DCCH, or SCH. Since the SCH is shared in time division by a plurality of mobile stations, it is assigned only when necessary even in the active state. Therefore, the active state 200 is divided into a low rate transmission substate 220 and a high rate transmission substate 210 according to whether the SCH is established or not.

The appellants do not see how the cited text suggests that operating the data transmitter in the Control Hold state comprises the step of transmitting via a dedicated control channel only.

Since Koo does not teach or suggest all of the limitations of claim 6, it is asserted that anticipation has not been shown by the Examiner. Appellants submit that claim 6 is fully patentable over the cited reference and request that the Examiner be REVERSED.

Group 5 – Claims 7, 9 and 14

Claim 7 provides (underlined language being relevant to the argument presented below):

7. (original) An apparatus comprising:

channel circuitry for transmitting data; and

a timer coupled to the channel circuitry, wherein the timer delays deactivation of the channel circuitry after data transmission for a period of time, wherein the period of time is based on a data rate.

In the Final Office Action mailed May 11, 2006 (hereinafter "FOA"), the Examiner cites Koo figure 2 unit 200, column 2 line 38, column 2 lines 43-46, and column 3, lines 60-63 as teaching the claim language. Column 2 lines 34-50 reads (emphasis added):

Upon completion of the negotiation about a service option, a data service object establishes a **DTCH for transmission of user data** and transits to an active state 140. If the initialization fails, the packet null state 110 is transited to.

In the active state 140, data is transmitted on the DTCH. If the data service object transits to the active state 140 after setting the service option and as a result, the DTCH is available, the base station and the mobile station perform initialization procedures of RLP (Radio Link Protocol) and PPP (Point-to-Point Protocol). **If data transmission is discontinued for a predetermined time T_Active in the active state 140, the DTCH is released and a control hold state 130 is entered**. If it is anticipated from an estimate of

> the amount of oncoming transmission data that a non-data transmission period will last longer, the active state 140 may be transited directly to a suspended state 150 or a dormant state 160 without interposing the control hold state 130.

Column 3 lines 46-67 reads (emphasis added):

> When transmission data is generated in a control hold state 230, the f/r DTCH is assigned on the FCH or DCCH and then the low rate transmission substate 220 is transited to. If it is preferable to transmit the user data on the FCH or DCCH, it is transmitted in the low rate transmission substate 220 and the control hold state 230 is entered. On the contrary, if a higher rate channel is required to transmit a large amount of user data, the SCH is additionally established in the low rate transmission substate 220 , the DTCH is assigned on the SCH, and then the high rate transmission substate 210 is entered. When the user data is completely transmitted on the SCH in the high rate transmission substate 210 or a predetermined duration time of the SCH expires, the high rate transmission substate 210 transits to the low rate transmission substate 220 . **If data transmission is discontinued for a predetermined time** in the low rate transmission substate 220, **the DTCH is released** and the control hold state 230 is entered. In case a large amount of data is generated within the predetermined time in the low rate transmission substate 220 or some user data remains from the previous high rate transmission substate 210, the high rate transmission substate 210 is entered again.

However, independent claim 7 recites (emphasis added) "a timer coupled to the channel circuitry, wherein the timer **delays deactivation of the channel circuitry after data transmission for a period of time, wherein the period of time is based on a data rate**."

In the *Response to Arguments* section of the present office action, the Examiner refers to the teaching in Koo of a transition from the active state to either a control hold state, a suspended state or a dormant state: if **data transmission is discontinued for a predetermined time** T_Active while in the active state, a control hold state is entered; and if it is **anticipated from an estimate of the amount of oncoming transmission data that a non-data transmission period will last longer**, the active state may be transited directly to a suspended state or a dormant state. However, the appellants submit that Koo teaches that in any case the DTCH is released. Moreover, the appellants submit that Koo neither teaches nor suggests that a delay period (i.e., the period of time to delay), such as described in claim 7, should be **based on a data rate**. In fact, the appellants submit that Koo actually teaches otherwise, since the only period of time referred to by the Examiner in Koo before the DTCH is released is a "predetermined time." The appellants submit that this explicitly teaches a period of time that is already determined in

contrast to a period of time that is based on something situational, such as a particular data rate.

Lastly, the other condition that Koo describes is whether it is anticipated from an estimate of the amount of oncoming transmission data that a non-data transmission period will last longer. Presumably, the Examiner is not asserting that this somehow teaches or suggests a data rate. The appellants do not believe that it suggests a data rate since it describes an **amount of** oncoming transmission **data**.

Referring back again to the claims, independent claim 7 recites (emphasis added) "a timer coupled to the channel circuitry, wherein the timer **delays deactivation of the channel circuitry after data transmission for a period of time, wherein the period of time is based on a data rate**." The applicants submit that Koo does not teach delaying the dropping of the DTCH of Koo (used for the transmission of user data) based on a data rate.

Since Koo does not teach or suggest all of the limitations of independent claim 7, or therefore, all the limitations of dependent claims 9 or 14, it is asserted that anticipation has not been shown by the Examiner. Appellants submit that claims 7, 9 and 14 are fully patentable over the cited reference and request that the Examiner be REVERSED.

Group 6 – Claim 8

Claim 8 provides (underlined language being relevant to the argument presented below):

> 8. (original) The apparatus of claim 7 wherein the period of time is proportional to the data rate.

In the Final Office Action mailed May 11, 2006 (hereinafter "FOA"), the Examiner cites Koo column 3, lines 60-63 as teaching the claim language. Column 3 lines 60-63 reads:

> If data transmission is discontinued for a predetermined time in the low rate transmission substate 220, the DTCH is released and the control hold state 230 is entered.

The applicants submit that Koo, as cited by the Examiner, neither teaches that a delay period (i.e., the period of time to delay), such as described in these claims, should be based on a data rate nor **proportional** to a data rate. The appellants do not see how the cited text suggests

any kind of proportional relationship such as that claimed.

Since Koo does not teach or suggest all of the limitations of claim 8, it is asserted that anticipation has not been shown by the Examiner. Appellants submit that claim 8 is fully patentable over the cited reference and request that the Examiner be REVERSED.

Rejections under 35 U.S.C. §103

None.

(8) Conclusion

For the above reasons, the appellants respectfully submit that the rejection of claims 1-9 under 35 U.S.C. § 102(e) as being anticipated by Koo and claims 13-14 under 35 U.S.C. § 103(a) as being unpatentable over Koo in view of Lohtia are in error and should be reversed and the claims allowed.

Lastly, please charge any additional fees (including extension of time fees) or credit overpayment to Deposit Account No. **502117 -- Motorola, Inc**.

Respectfully submitted,
J. Rinchiuso et al.

By: /Jeffrey K. Jacobs/

Jeffrey K. Jacobs
Attorney for Appellant(s)
Registration No. 44,798
Phone No.: 847/576-5562
Fax No.: 847/576-3750

(9) Claims Appendix

1. (original) A method for data transmission within a wireless communication system, the method comprising the steps of:

transmitting data over a wireless data channel at a data rate;

determining that no more data needs to be transmitted; and

delaying dropping the data channel for a time period based on the data rate.

2. (original) The method of claim 1 wherein the step of transmitting data over the wireless data channel comprises the step of transmitting data over a Code Division Multiple Access (CDMA) Supplemental Channel.

3. (original) The method of claim 1 wherein the step of delaying dropping the data channel for a time period based on the data rate comprises the step of delaying dropping the data channel for a time period, wherein the time period is proportional to the data rate.

4. (original) A method for data transmission within a Code Division, Multiple Access (CDMA) wireless communication system, the method comprising the steps of:

operating a data transmitter in a CDMA Active state;

determining that no more data needs to be transmitted over a CDMA supplemental channel;

prior to operating the data transmitter in a Control Hold state, delaying transition to the Control Hold state for a period of time, wherein the period of time is based on a data rate; and

operating the data transmitter in a Control Hold state.

5. (original) The method of claim 4 wherein the step of operating the data transmitter in the CDMA Active state comprises the step of transmitting via a dedicated control channel and a CDMA supplemental channel.

6. (original) The method of claim 5 wherein the step of operating the data transmitter in the Control Hold state comprises the step of transmitting via a dedicated control channel only.

7. (original) An apparatus comprising:

channel circuitry for transmitting data; and

a timer coupled to the channel circuitry, wherein the timer delays deactivation of the channel circuitry after data transmission for a period of time, wherein the period of time is based on a data rate.

8. (original) The apparatus of claim 7 wherein the period of time is proportional to the data rate.

9. (original) The apparatus of claim 7 wherein the channel circuitry comprises CDMA fundamental channel circuitry.

10. (withdrawn) A method for data transmission within a wireless communication system, the method comprising the steps of:

transmitting data to a first receiver over a first plurality of frames on a data channel, wherein the first plurality of frames are assigned to the first receiver;

transmitting data to the first receiver, over a frame on the data channel for a period of time, wherein;

the frame is assigned to a second receiver;

the frame is not part of the first plurality of frames;

the period of time is based on a time to transfer from a hold state to an active state; and

transmitting second data to a second receiver over the frame.

11. (withdrawn) A method for data transmission within a wireless communication system, the method comprising the steps of:

receiving data via a first receiver from over a first plurality of frames on a data channel, wherein the first plurality of frames are assigned to the first receiver;

receiving data via the first receiver, over a frame on the data channel for a period of time, wherein;

the frame is assigned to a second receiver;

the frame is not part of the first plurality of frames; and

the period of time is based on a time to transfer from a hold state to an active state.

12. (withdrawn) An apparatus for data transmission within a wireless communication system, the apparatus comprising:

means for transmitting data over a first plurality of frames on a data channel, wherein the first plurality of frames are assigned to the first receiver;

means for transmitting data over a frame on the data channel for a period of time, wherein;

the frame is assigned to a second receiver; and

the frame is not part of the first plurality of frames.

13. (previously presented) The method of claim 1 further comprising the steps of:

establishing a temporary block flow (TBF) between a transmitting device and a receiving device to transmit data over the wireless data channel; and

delaying termination of the TBF by transmitting dummy data over the wireless data channel.

14. (previously presented) The apparatus of claim 7 further comprising:

means for establishing a temporary block flow (TBF) between a transmitting device and a receiving device to transmit data over a data channel; and

means for delaying termination of the TBF by transmitting dummy data over the data channel.

(10) Evidence Appendix

Not applicable.

(11) Related Proceeding Appendix

Not applicable.